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The cases were arranged in a logical order under the proper title, and apparently were discussed by the younger apprentices in much the same way that the cases collected for them are now discussed by students in our own schools. After reporting one case, the writer of the manuscript goes on to describe the discussion of the case "in the Crib." Richard de Aldirbury and John Trevanion are named as engaging in the discussion. They were young apprentices at law, not yet engaged in the actual argument of cases at bar, but they were busy counsel several years later, and both of them judges of the Common Pleas about 6 or 7 Edward III.

We already knew that the case system was commended by Coke, but we are glad to learn that it was an accepted method of instruction in the time of Bereford and Spigurnel.

This volume gives added proof of the insufficiency of the manuscript from which Maynard's Year Book was printed; for not only did his manuscript contain only about one-third of the cases found in other manuscripts for this period, but the cases which it did contain were imperfectly reported. From the other manuscripts and from the record Professor Maitland is able to correct Maynard's errors, and to add many interesting decisions. Most of the cases, of course, turn on obsolete questions of land law; but there is a considerable number, particularly among the new cases, of much historical interest, as well as some practical value. For instance, in one of the new cases the plaintiff brought an action of debt for the penalty of a bond; the defendant pleaded that he had tendered performance, and again tendered it in court. The court said: "With what equity can you demand this penalty? Were you to remain asking for our judgment, you would not come by your debt these seven years; for a judgment of the law is not to be given in that sort of way." Professor Maitland points this out as an early example of equitable action. If we could have reports of all the cases during the thirteenth century, we should probably find that the King's court exercised much greater equitable power anciently than it did after the Chancellor began to usurp judicial functions. Glanville states with great precision that King Henry enjoined the judges of his new court to temper the law with equity; and it is very clear that the common law was evolved from the older administrative law of the Normans and the folk-law of the popular courts by tempering their rigor with equity. At the time of Edward II. the original equitable impulse was still felt. In another new case, which was a writ of trespass for disturbance of the market, the judgment, as we learn from the record, included an injunction against future disturbance. Doubtless Professor Maitland is right in suggesting that this was made merely to have the effect of stopping the defendants from raising the same question over again.

May Professor Maitland long be spared to send us an annual volume such as this.

J. H. B.

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PRINCIPES DE DROIT INTERNATIONAL PRIVÉ. Par A. Pillet, Professeur à la Faculté de Droit de Paris. Paris: Pedone, 1903. pp. xii, 586.

During the past dozen years Professor Pillet has in his teaching and in numerous articles been working out the theory of Private International Law, or Conflict of Laws, which he now presents in book form. It is an especially important work in that it gives the matured thought of a Continental scholar, trained in the civil law and familiar with the writings of American and English jurists, on a subject of great importance, as to the basic principles of which there is much disagreement.

The book is one of theory, written by a man who believes that students who are not first good theorists will be poor practitioners. There has been no attempt to make it a manual for the practising lawyer by the collection of all the cases on every-day subjects; only those have been retained which were of use in developing the principles. Nor is it a book for the beginner. But all, whether theorists or practical men, who are anxious to learn the foundations of

the law, will find in it much of value, even though they may differ from the conclusions reached.

As was to be expected from his nationality and training, the author in many matters runs counter to accepted common-law theories as to the conflict of laws. He regards Private International Law as a true system of law, and rejects utterly the idea, current in this country and in England, that its basis is the comity or courtesy of nations, which leads the sovereign to tolerate the application on his soil of foreign law to the degree rendered desirable by international intercourse. For him it is truly a branch of international law.

The most important and most novel part of the book is the author's own theory of the method by which conflicts of laws should be solved. He believes that every man should be governed by one law, which on principle should be determined by nationality, though the exigencies of practical life often require that it shall be the law of the domicile. This law should be continuous, that is to say, it should govern one in all the relations of life everywhere. But there is another requisite of law, that it should be general, the same for all the people in a given country. If a foreigner comes in whose personal law differs, it is obviously impossible to have both continuity and generality preserved. Which shall give way? M. Pillet examines the object of the law in question. If he finds that the law is for the protection of the private person, he would give it extra-territorial operation and preserve its continuity. If, however, the object of the law is the good of society as a whole, the interests of the individual must yield and continuity be sacrificed. The application of this novel theory requires careful consideration of the real object of a law, and to this subject an important part of the work is devoted.

Professor Pillet disclaims any idea of having solved all the problems of Private International Law, specifically admitting his inability to settle certain ones on any theory. But there is no question that he has produced a very valuable and stimulating book.

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CONSTITUTIONAL LAW IN THE UNITED STATES. By Emlin McClain. London and Bombay: Longmans, Green & Co. 1905. pp. xxxviii, 438. 8vo.

This book by Judge McClain is one of the American Citizen Series published by Longmans, Green & Co. under the editorship of Professor Albert Bushnell Hart. The book is in no sense a law book, nor does the author intend that it should be so considered. In his preface Judge McClain states that it is "intended to give to non-professional students an intelligent conception of the Constitutional Law of the United States, both state and federal." For such students the book is undoubtedly of value. Judge McClain's scholarship and ability are sufficient guarantee of the carefulness and thoroughness of the work; and his experience both on the bench and as a lecturer on Constitutional Law at the State University of Iowa, puts him in a position to know the importance of the various branches of constitutional law, and the best way in which to give the student a clear understanding of it.

He has approached the subject from the viewpoint of the historian. References are made to English and Colonial institutions, so far as is necessary to explain the nature of our governments, both state and national. But though he has traced the sources from which our government is drawn, and the way in which it was created, Judge McClain has not written a mere history of it, nor a mere exposition of its actual working at the present day. He has borne in mind that our constitutional law is concerned mostly with the interpretation of written instruments, in themselves more or less unchanging, and he has shown the theories underlying the interpretation of those instruments, as well as the value and the effect of the precedents that exist as a result of actions and decisions of courts.

Covering the subject in so few pages, Judge McClain was, of course, obliged to condense a great deal. The book, consequently, is not one from which the untrained reader would gain much. But for the student who has been trained